

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
IO-13 TRSE-00 OMB-01 /080 W
-----046883 250853Z /11
R 241600Z APR 78
FM USMISSION USBERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 6711

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0975

E.O.11652: GDS
TAGS: PGOV, WB, GW
SUBJECT: ACA BUILDING

REF: USBERLIN 712 (NOTAL)

SUMMARY: SUBMITTED HERE IS A WORKING PAPER ON THE FUTURE
OF THE ACA BUIDLDING WHICH THE THREE ALLIED MISSIONS IN BERLIN
HAVE AGREED TO SUBMIT TO THEIR RESPECTIVE EMBASSIES IN BONN.
END SUMMARY.

1. THE THREE ALLIED MISSIONS IN BERLIN HAVE AGREED TO USE THE
FOLLOWING TEXT AS A WORKING PAPER FOR CONSIDERATION OF POSSIBLE
CHANGE IN USE OF ACA BUILDING.

BEGIN TEXT:

BEGINNING IN 1964 THE SENAT HAS PERIODICALLY ASKED
WHETHER THE ACA BUILDING COULD IN PART OR FULLY BE TURNED
BACK FOR GERMAN USE. THE SENAT HAS NOW AGAIN MADE THE SAME
REQUEST.

THE ALLIES HAVE SEVERAL TIMES CONSIDERED THE POSSIBILITY
OF A REVERSION OF THE BUILDING TO GERMAN USE. ITS USE FOR
THE COURT SYSTEM IS MOST FREQUENTLY MENTIONED. IN THE PAST
THE ALLIES HAVE ALWAYS DECIDED TO MAINTAIN THE STATUS QUO,
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ARGUING THAT THERE WERE POSSIBLE DISADVANTAGES TO A CHANGE,
WHEREAS THERE WAS NO URGENT NEED FOR IT.
THE MISSIONS BELIEVE THAT THIS DECISION SHOULD
NOW BE RECONSIDERED. AFTER A LONG PERIOD OF UNINTERRUPTED
DETERIORATION THE BUILDING IS NOW APPROACHING A STATE OF
COMPLETE DILAPIDATION. THERE IS GROWING INTERNAL DAMAGE
TO THE UNUSED ROOMS, HALLS AND FACILITIES. THE HEATING,

PLUMBING, WATER AND ELECTRICAL SYSTEMS, WHICH ARE OVER 70 YEARS OLD, MOSTLY NO LONGER OPERATE. THE LONG-TIME SITUATION OF THE BUILDING HAS BEEN THAT ONLY 50 OF 500 ROOMS ARE USED (41,836 SQUARE FEET OUT OF 314,076 SQUARE FEET, OR 13 PERCENT). ONLY THE USED AREA IS MAINTAINED. THE ANNUAL MAINTENANCE AND REPAIR UPKEEP ON THE US OCCUPATION COST BUDGET HAS RUN AROUND DM 200,000-300,000, BUT IT IS BEGINNING TO INCREASE SHARPLY.

IN ADDITION, GROWING CAPITAL/STRUCTURAL IMPROVEMENTS AND WORK NOW HAVE TO BE UNDERTAKEN. THE US MISSION HAS BUDGETED DM 6,000,000 FOR 1977-78, FOR COMPLETE RESURFACING OF THE FACADE AND PARTIAL RE-ROOFING. IT IS ESTIMATED THAT OVER AND ABOVE THIS FIGURE, AT LEAST DM 25,000,000 WOULD BE NEEDED COMPLETELY TO REHABILITATE THE BUILDING. THE PROBLEM IS THAT SUCH OUTLAYS ARE POINTLESS IF THE ROOMS ARE TO REMAIN EMPTY, WHEREAS LEAVING THE EMPTY ROOMS IN THEIR PRESENT STATE ONLY ACCELERATES THE FALLING APART OF THE BUILDING.

THE DECLINE OF THE INTERNAL SYSTEMS AS A WHOLE HAS CREATED CERTAIN SECURITY AND OPERATIONAL PROBLEMS EVEN IN THE MAINTAINED AREA. THUS, A RECENT POWER FAILURE SEVERELY HANDICAPPED BASC'S WORK FOR TWO HOURS. THERE HAVE ALSO OCCURRED PERIODIC FAILURES OF THE HEATING SYSTEM IN THE WORKING AREA.

THERE IS NO DOUBT THAT TURNING THE BUILDING OVER TO THE GERMANS FOR REHABILITATION AND USE WOULD BE THE BEST ADMINISTRATIVE AND ECONOMIC DECISION.
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THERE ARE BASICALLY THREE ALTERNATIVES TO THE STATUS QUO:

(A) A COMPLETE RETURN OF THE BUILDING TO GERMAN USE;

(B) SHARING THE BUILDING WITH THE GERMANS, AND

(C) RETURNING MOST OF THE BUILDING, INCLUDING THE BASC AREA, BUT KEEPING A LIEN ON A SUITE FOR POSSIBLE CURRENT PROTOCOL PURPOSES, OR FUTURE FOUR-POWER MEETINGS. SOME SUITABLE SYMBOLS FOR MANIFESTING FOUR-POWER STATUS OF PART OF THE BUILDING WOULD BE RETAINED.

BOTH (A) AND (C) WOULD REQUIRE RELOCATION OF BASC AND THE ATO TO A NEW BUILDING. ONE POSSIBLE LOCATION WOULD BE CLOSE TO THE ACA BUILDING, IN KLEIST PARK.

THE MISSIONS AGREE THAT ALTERNATIVE 7. (C) IS PREFERABLE, GIVEN THE ORIGINAL FOUR-POWER NATURE OF THE HEADQUARTERS, AND ITS POTENTIAL FOR SYMBOLIC AND PRACTICAL REEMPLOYMENT AS A QUADRIPARTITE NEGOTIATING SITE (AS IN 1970-71). IT WOULD BE INADVISABLE TO SHARE THE BUILDING ON A DAILY WORKING BASIS WITH LARGE NUMBERS OF GERMAN

EMPLOYEES.

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L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
IO-13 TRSE-00 OMB-01 /080 W
-----047025 250854Z /11

R 241600Z APR 78
FM USMISSION USBERLIN
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INFO SECSTATE WASHDC 6712

C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 0975

TWO CONDITIONS SHOULD BE EMBODIED IN THE TRANSACTION.
FIRST, WE WOULD HAVE TO OBTAIN SOVIET CONCURRENCE. AND
SECOND, WE WOULD STIPULATE THAT THE BUILDING BE USED ONLY
FOR BERLIN AND NOT FRG OFFICES.
WHAT ARE POSSIBLE PROBLEMS?

(A) SOVIET AGREEMENT.

OBTAINING, IF THE SOVIETS EXPRESSED OBJECTIONS TO THE
IDEA, WE WOULD SIMPLY ABANDON IT RATHER THAN JEOPARDIZE THE
BASC OPERATION. THERE IS NO REASON TO BELIEVE THAT THEY
WOULD OBJECT, HOWEVER. IN 1974 THE SOVIET CHIEF CONTROLLER
CHERKASHIN DISCUSSED THE POSSIBILITY OF A MOVE WITH OUR
CHIEF CONTROLLER AND THE BRITISH CHIEF CONTROLLER. CHERKASHIN
SAID IT WAS A WASTE OF SUCH A LARGE BUILDING FOR BASC TO BE
IN THE ACA, AND THAT WE SHOULD FIND A NEW LOCATION, EASIER
TO MAINTAIN. CHANCES OF A SOVIET OBJECTION WOULD BE FURTHER
MINIMIZED IF WE COULD STATE THAT WE WERE RETAINING JURISDICTION
OVER THE TRADITIONAL CEREMONIAL AND NEGOTIATING ROOMS.

(B) WOULD THE SOVIETS TRY TO RENEGOTIATE THE BASC
AGREEMENT?

IN 1975 THE EMBASSIES CONSIDERED THAT ANY BASC RE-
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LOCATION COULD NECESSITATE SOVIET AGREEMENT IN WRITING, WHICH THEY COULD THEN EXPLOIT TO TRY TO CHANGE SOME OF THE PREMISES OF THE AIR REGIME. THIS IS BECAUSE THE LOCATION OF BASC AND THE CENTER OF THE BERLIN CONTROL ZONE ARE STIPULATED IN PARAS 3 AND 4 OF DAIR/P (45)71 SECOND REVISE. IT WAS ARGUED THAT THE AGREEMENT TO A CHANGE WOULD HAVE TO INCLUDE A DELICATE DEMAND THAT THE SOVIETS AGREE IN WRITING THAT THE CHANGE IN LOCATION WOULD NOT OTHERWISE CHANGE THE BASC REGIME, AND THAT SUCH A REQUIREMENT COULD BE USED BY THE RUSSIANS TO RAISE UNACCEPTABLE COUNTER-DEMANDS. WE SEE TWO SOLUTIONS:

FIRST, THERE COULD SIMPLY BE AN EXCHANGE OF LETTERS BETWEEN EMBASSIES ALONG THE FOLLOWING LINES: "IT IS AGREED THAT THE BASC OFFICE CAN BE PHYSICALLY RELOCATED OUT OF THE ACA BUILDING TO A NEW BUILDING TO BE CONSTRUCTED FOR ITS USE AT....., IT BEING UNDERSTOOD THAT THE CENTER OF THE BERLIN CONTROL ZONE WILL CONTINUE TO BE AS DEFINED IN THE ACA BUILDING." (ALTERNATIVELY, THAT "THE CENTER... ..WILL REMAIN UNCHANGED.")

SECOND, WE MIGHT BE ABLE TO ERECT THE NEW STRUCTURE SO CLOSE TO THE ACA BUILDING IN KLEIST PARK THAT IT COULD BE CONSIDERED AN ANNEX OR EXTENSION THEREOF, EVEN CONNECTED BY A PASSAGEWAY. THIS COULD ELIMINATE THE NEED FOR LETTERS, AS IT WOULD MERELY BE A RELOCATION OF OVVICES.

(C) GERMAN REACTION.

THE SENAT WOULD WELCOME THE MOVE, AND WE ANTICIPATE NO PROBLEMS WITH THE FRG, WHOSE MAIN INTEREST WOULD BE BUDGETARY.

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(D) OWNERSHIP OF PROPERTY.

THIS WAS STUDIED IN USIB 73 OF FEBRUARY 6, 1975, WHICH WAS FORWARDED TO THE EMBASSIES. FURTHER STUDY IS REQUIRED, BUT THE TWO ALTERNATIVES SEEM TO BE A REVERSION OF THE BUILDING TO GERMAN POSSESSION IN TOTO, EXCEPT FOR OUR CONTINUING PARTIAL LIENS, OR ALLIED (OR US) RETENTION OF REQUISITION RIGHTS BUT TURNING THE BUILDING OVER TO THE SENAT FOR USE.

IF THE SOVIETS HAVE ANY RESIDUAL CLAIMS OF REQUISITION RIGHTS, THIS COULD BEST BE DISCOVERED BY MAKING THE BASIC PROPOSAL TO THEM. SUCH SOVIET CLAIMS, REGARDLESS OF THEIR

LEGAL MERITS, WOULD HAVE TO BE CAREFULLY CONSIDERED
BECAUSE OF THEIR POLITICAL IMPLICATIONS OR IMPACT ON BASC
OPERATIONS.

RECOMMENDED ACTIONS.

(A) THAT THE MISSIONS EXAMINE THE ACA BUILDING
AND KLEIST PARK WITH A VIEW TO DETERMINING PHYSICALLY WHAT
CEREMONIAL AREAS SHOULD BE RETAINED, AND WHERE CON-
STRUCTION OF A NEW BUILDING FOR BASC CAN BE PROPOSED. (IF
WE DECIDE NOT TO PROPOSE KLEIST PARK, WE WOULD PROBABLY
HAVE TO ASK FOR SENAT RECOMMENDATIONS ON OTHER SITES.)

(B) THAT THE SOVIETS BE ASKED TO AGREE TO A RELOCATION.

(C) IN THE EVENT OF SUCH AGREEMENT, THAT THE RECOMMENDED
CHANGES BE PROPOSED TO THE GERMANS, WITH DISCUSSION OF THE
FORM OF THE AGREEMENT AND O/C FUNDING. END TEXT.

2. PAPER WAS DRAFTED BY AMERICAN POLAD R.D. DAVIS. WE
UNDERSTAND BRITISH MISSION HERE WILL BE SENDING TEXT
SEPARATELY TO THEIR EMBASSY IN BONN. GEORGE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BUILDINGS, ESTABLISHMENT OF OFFICES, BERLIN TRIPARTITE MATTERS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978USBERL00975
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780176-0032
Format: TEL
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780422/aaaaasql.tel
Line Count: 245
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e91d49a8-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 USBERLIN 712
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2865638
Secure: OPEN
Status: NATIVE
Subject: ACA BUILDING
TAGS: PGOV, WB, GE
To: BONN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e91d49a8-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014